

### REMARKS

Claims 1-36 were pending and presented for examination and in this application. In an Office Action dated June 22, 2005, claim 28 was objected to and claims 1-36 were rejected. Applicants thank the Examiner for examination of the claims pending in this application. Applicants have responded to claim objection by amending claim 28 to properly recite dependence on claim 27. Applicants are also amending claims 1, 15, and 29 merely to more clearly define the claimed invention. Reconsideration of the application in view of the above changes and the following remarks is respectfully requested.

The Examiner rejected claims 1-3, 5-8, 11-17, 19-22, and 26-28 under 35 USC § 102(e) as allegedly being anticipated by U.S. Patent Application No. 2003/0227382 to Breed (“Breed”). This rejection is traversed.

As amended, claim 1 recites “receiving credentials from a first trusted agent confirming the first trusted agent has trusted status” and “initiating a security state for the intermodal container with information submitted by the first trusted agent.” Breed discloses a system for remotely monitoring and tracking shipping containers and other transportation assets. *See, e.g.*, [0002-0003]. Breed does not disclose or suggest receiving credentials from a first trusted agent. Moreover, as this reference is currently understood, Breed discloses no mechanism or process by which an agent can be authenticated or verified as having trusted status. In the claimed invention, the feature of “receiving credentials from a first trusted agent confirming the first trusted agent has trusted status” is particularly beneficial because receiving credentials from the agent is necessary to establish that the agent is permitted to initiate a security state for the intermodal container. As recited in the claims, the security state for the intermodal container is initiated with information submitted by the first trusted

agent. If the agent is not required to present credentials confirming the agent has trusted status, then untrusted, counterfeit, or unauthorized agents may tamper with and/or gain access to the intermodal containers. In other words, unless the security state for the intermodal container is initiated with information submitted by a trusted agent, the intermodal container is not known to be secure. Breed does not disclose or suggest receiving credentials from a first trusted agent as recited in the claims. Thus, there is no teaching or suggestion of the claimed invention in Breed.

Applicants respectfully submit that for at least these reasons claim 1 is patentably distinguishable over the cited reference. The Examiner rejected claims 15 and 29 for similar reasons as given for claim 1. Claims 15 and 29 have been amended to recite limitations similar to those of claim 1. All arguments advanced above with respect to claim 1 are also advanced with respect to claims 15 and 29. Therefore, Applicants also submit that these claims are patentably distinguishable over the cited reference for the reasons noted above, as well as for the patentable distinctions they particularly recite.

Claims 2-14, 16-28, and 30-36 depend from independent claims 1, 15, and 29 respectively. The Examiner rejected dependent claims 2-3, 5-8, 11-14, 16-17, 19-22, and 26-28 under 35 USC § 102(e) as allegedly being anticipated by Breed. The Examiner rejected claims 9, 10, 23, 24, 33, and 34 under 35 USC § 103(a) as allegedly being unpatentable in view of Breed. The Examiner also rejected claims 4 and 18 under 35 USC § 103(a) as allegedly being unpatentable over Breed in view of Hannon et al (US Patent No. 4,688,244). Applicants submit that Claims 2-14, 16-28, and 30-36 are patentable based on the patentability of the independent claims from which they depend and by virtue of the

additional limitations they recite. Therefore, Applicants respectfully request that the Examiner reconsider these rejections, and withdraw them.

### **Conclusion**

In sum, Applicants respectfully submit that claims 1-36, as presented herein, are patentably distinguishable over the cited reference. Therefore, Applicants request reconsideration of the basis for the rejections to these claims and request allowance of them.

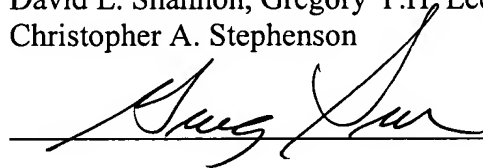
In addition, Applicants respectfully invite Examiner to contact Applicants' representative at the number provided below if Examiner believes it will help expedite furtherance of this application.

Respectfully Submitted,  
David L. Shannon, Gregory Y.H. Lee and  
Christopher A. Stephenson

Date:

9/21/05

By:



Greg T. Sueoka, Attorney of Record  
Registration No. 33,800  
FENWICK & WEST LLP  
801 California Street  
Mountain View, CA 94041  
Phone: (650) 335-7194  
Fax: (650) 938-5200